

**SNOHOMISH COUNTY SUPERIOR/JUVENILE COURT; SNOHOMISH
COUNTY DISTRICT COURT; AND EVERETT, EDMONDS, LYNNWOOD AND
MARYSVILLE MUNICIPAL COURTS AND SNOHOMISH COUNTY CLERK'S
OFFICE**

LANGUAGE ASSISTANCE PLAN

May 2011

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for Snohomish County Superior/Juvenile/District/Municipal Courts and the Snohomish County Clerk's Office to provide services to Limited English Proficient (LEP), deaf or hearing impaired individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq.; 28 C.F.R. § 42 et seq.; and RCW 2.42 and 2.43. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP, deaf or hearing-impaired persons who access the services of Snohomish County Superior/Juvenile/District/Municipal Courts and the Snohomish County Superior Court Clerk's Office.

This Language Assistance Plan (LAP) was developed in 2008 and updated in 2011 to ensure equal access to court services for persons with limited English proficiency and deaf and hearing-impaired persons. Although deaf and hearing-impaired individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to RCW 2.42 and 2.43.

II. NEEDS ASSESSMENT

A. Statewide

Washington State provides court services to a wide range of persons, including people who do not speak English or who are deaf or hearing impaired. Service providers include the trial courts at the Superior/Juvenile, District and Municipal Court levels and the County Clerk's Office.

According to the 2010 U.S. Census data, the most widely used languages for

interpreters in Washington State are (in descending order of frequency):

1. Spanish
2. Russian
3. Vietnamese
4. Ukrainian
5. Somali
6. Chinese
7. Korean
8. Tagalog
9. Punjabi
10. Cambodian
11. Arabic

B. Snohomish County Superior/Juvenile/District/Municipal Courts and Superior County Clerk's Office

Snohomish County Superior/Juvenile/District/Municipal Courts and the County Clerk's Office continue to make every effort to provide service to all LEP, deaf and hearing-impaired persons. The following list shows the non-English languages that are most frequently spoken at home in Snohomish County (in descending order of frequency):

- Spanish
- Russian
- Vietnamese
- Ukrainian
- Korean
- Arabic
- Tagalog
- Chinese
- Cambodian
- Punjabi

This information is based on data from the AOC JIS System, OSPI Data Bases and U.S. Census data for Snohomish County.

The most frequently spoken languages by students attending high schools in Snohomish County other than English as identified by the Office of the Superintendent of Public Instruction are as follows:

- Spanish
- Russian
- Ukrainian
- Vietnamese
- Korean
- Tagalog

After gathering community input at a language forum in 2008, the Snohomish County Superior/Juvenile, District and Municipal Courts and the County Clerk's Office have made inroads in providing additional resources to LEP clients since the 2008-2009 Language Assistance Plan was submitted. In particular, the Superior /Juvenile Court and District Courts purchased web-based interpreter scheduling software from the King County District Court. With the assistance of the Snohomish County Department of Information Services this software was adapted to meet the needs of the Superior/Juvenile Courts and District Courts and was implemented in May 2009. Superior/Juvenile Court and District Court staff provided training on the use of the scheduling software to the Superior Court Clerk's Facilitators' Office, the Office of the Public Defender, the Prosecutor's Family Support and Victim/Witness offices. "Read-only" access was granted to the Office of Public Defense and to the Everett Municipal Court. Superior/Juvenile and District Court staff developed an application process for interpreters who wish to utilize the scheduling system. As part of an effort to ensure quality interpreter services the Superior/Juvenile and District Courts developed and implemented a uniform interpreter policy and payment procedures and made the use of certified court interpreters a priority.

In response to an identified need of improved signage for the LEP, Superior Court/Juvenile, District Court and County Clerk staff together with Snohomish County facilities staff developed a directional/information sign for the courthouse facility which was translated into the top five most-used languages (Spanish, Russian, Vietnamese, Korean and Chinese). This large sign was posted at the

security entrance to the courthouse building. New signage in five languages will be posted outside each courtroom, clerk's offices and jury assembly by June 1, 2011.

The Superior/Juvenile and District Court web sites were improved to provide contact information for those persons needing interpreter services.

The Snohomish County Superior/Juvenile, District and Municipal Courts and the County Clerk's sponsored a Community Forum that was held on March 4, 2011. At that forum information, suggestions and recommendations were provided. (The invitation letter, the list of invitees and the list of attendees at this Community Forum is attached to this Language Assistance Plan).

At this forum the following needs were identified:

- **Provide training for attorneys on interpreter roles**
- **Determine the maximum number of defendants per interpreter**
- **Provide a contact phone number for each job assignment in case an interpreter needs to contact the court**
- **Provide a court contact list to be included in the interpreter packet**
- **Update court contact list periodically**
- **Consider team interpreting; two interpreters needed for hearings lasting more than two hours**
- **Limit the number of defendants per interpreter on criminal calendars**
- **Additional legal forms should be updated and translated into certified languages**
- **Proper signage to direct litigants to where to request interpreter**
- **Information brochure for top 10 languages explaining simple navigating of the court system**
- **Signage should be obvious and visible**
- ***In forma pauperis* is daunting and needs some simplification**
- **Public Computer with information in certified languages**
- **More user-friendly web site for LEP**
- **Provide quality, consistent interpretation services-ongoing by use of certified interpreters**
- **Provide continuing education to court staff about limited English**

proficiency speakers and their needs- provided county-wide training in June 2010; planning training for staff/judges in 2011

- **Ongoing improvements to court web sites for LEP**
- **Educate court staff and attorneys as to differences between translating and interpreting**

The Superior/Juvenile Court and District Court certified interpreter rate is \$50 per hour. The rate for non-certified interpreter services is \$40 per hour. The Administrative Office of the Courts provided a 50% reimbursement for certified interpreter services provided in the Superior/Juvenile Courts and in the District Courts of Snohomish County beginning in 2008. Through 2009 and 2010 the AOC reimbursement was reduced and the county assumed more of the costs for interpreter services. AOC funding for reimbursement of certified interpreter services for Superior/Juvenile Court and for District Courts is in jeopardy in 2011.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

The use of court interpreters (both sign language and non-English spoken language) is guided by two state statutes – RCW 2.42 and 2.43, respectively.

It is the policy/law of Washington State to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, are unable to readily understand or communicate the spoken English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.42. It is also the policy/law of Washington State to secure the rights, constitutional or otherwise, of persons who, because of a non-English speaking cultural background, are unable to readily understand or communicate in the English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.43.

When a deaf or hearing impaired person is a party or witness at any stage of a judicial or quasi judicial proceeding in the state or political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings,

proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings and any proceeding in which a deaf or hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter. See RCW 2.42.120(1). When a non English speaking person is a party to a legal proceeding or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified or registered by the Administrative Office of the Courts (AOC). See RCW 2.43.030(1) (b). If the current list of certified and registered interpreters maintained by AOC does not include an interpreter certified or registered in the language spoken by the non English speaking person, the appointing authority shall appoint a qualified interpreter as defined in RCW 2.43.020(2).

In the Municipal Courts when a non- English speaking person is a party to a legal proceeding or is subpoenaed or summoned by an appointing authority, or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of qualified language interpreters as defined in RCW 2.43.020(2).

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the Snohomish County Superior/District/Municipal courts and the County Clerk's office will determine whether an LEP, deaf or hearing-impaired court customer needs an interpreter for a court hearing. First, the LEP, deaf or hearing-impaired person may request an interpreter.

SNOHOMISH COUNTY SUPERIOR/JUVENILE COURT:

The signs are displayed on each floor of the court house at 3000 Rockefeller Avenue, Everett, WA 98201 and at the juvenile court facility located at 2801 10th Street, Everett, WA 98201. In addition signage will be posted outside each court room.

SNOHOMISH COUNTY DISTRICT COURT:

Signs are displayed in the clerks' and probation offices at each of the four (4) divisions; Cascade, Everett, Evergreen and South. In addition, signs are posted outside of each of our eleven (11) court rooms.

SNOHOMISH COUNTY MUNICIPAL COURTS - EVERETT, EDMONDS, LYNNWOOD AND MARYSVILLE:

The signs are posted in the clerks' offices and outside each court room in the four (4) municipal courts.

SNOHOMISH COUNTY SUPERIOR COURT CLERK'S OFFICE:

Signs will be posted in the County Clerk's office in all customer service locations as well as upon entry into the office.

Court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, court administration staff or judges should err on the side of providing an interpreter to ensure full access to the courts.

Finally, outside agencies such as probation, attorneys, social workers or correctional facilities may notify the court administrators and/or the interpreter coordinators of the respective court where the case is filed about an LEP, deaf or hearing-impaired individual's need for an interpreter for an upcoming court hearing. In the Edmonds Municipal Court the notification may be by a notation on the citation or prosecutor's complaint or by a letter faxed or mailed by any of the above outside agencies.

2. Court Interpreter Qualifications

The Snohomish County Superior/District/Municipal courts hire interpreters for courtroom hearings in compliance with the rules and policies set forth in RCW 2.42 and 2.43 as well as General Rule 11.0; 11.1; 11.2; and 11.3. The

Washington State Court Interpreter Program maintains a statewide roster of Certified and Registered interpreters who may work in the courts. This roster is available to court staff and the public at www.courts.wa.gov/programs&orgs. Certified and Registered interpreters on the roster have passed a written examination, oral examination, undergone a criminal background check, signed an oath and attended an orientation.

Washington State currently **certifies** the following languages: **Arabic, Cantonese, French, Korean, Laotian, Mandarin, Russian, Somali, Spanish, Vietnamese and American Sign Language (ASL)**. Washington also offers testing in the **Registered Category** in the following languages: Afrikaans, Akan-Twi, Albanian, Amharic, Azerbaijani, Bengali, Bulgarian, Burmese, Cebuano, Chavacano, Czech, Dari, Dutch, Farsi, German, Gujarati, Haitian Creole, Hausa, Hebrew, Hindi, Hmong, Hungarian, Igbo, Indonesian, Japanese, Kurdish-Kurmanji, Malay, Nepali, Norwegian, Polish, Portuguese, Punjabi, Romanian, Samoan, Sindhi, Sinhalese, Slovak, Swahili, Tagalog (Filipino), Tajik, Tamil, Tausug, Telugu, Thai, Turkish, Turkmen, Ukrainian, Urdu, Wu, Yoruba.

The court may appoint non-certified and non-registered interpreters who are not listed on the statewide roster only when certified and registered interpreters are unavailable. Whenever non-certified and non-registered interpreters are used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest. "I speak" cards provided by AOC are also available in each courtroom with basic questions translated into Spanish, Russian, Korean, Chinese and Vietnamese.

When the Municipal Courts, use qualified language interpreters, the judge inquires into their interpreter's skills, professional experiences, and potential conflicts of interest.

The Snohomish County Superior/District/Municipal Courts and the County Clerk's Office may also use telephone interpreting pursuant to General Rule 11.3 if no interpreters are available in person. Bilingual staff that are not on the statewide roster are never used to interpret in court. However, they may assist in securing an interpreter if necessary.

B. Spoken Language Services outside the Courtroom

The Snohomish County Superior/District/Municipal Courts and the County Clerk's Office are also responsible for taking reasonable steps to ensure that LEP, deaf and hearing-impaired individuals have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they are charged with assisting LEP, deaf or hearing-impaired individuals without an interpreter. LEP, deaf or hearing-impaired individuals may come in contact with court personnel via the phone, TTY / TDD, counter or other means.

SUPERIOR/JUVENILE COURT:

Outside the court room Superior and Juvenile Court personnel come in contact with LEP, deaf or hearing-impaired individuals at our public counter areas both the main courthouse in Court Administration, Drug Court and Jury as well at Denney Juvenile Justice Center in the lobby reception areas, detention, probation and administration. These contacts can be in person or via the telephone at numerous locations. Juvenile Probation Counselors, Detention Officers and medical staff frequently require the presence of an interpreter during probation appointments, detention intake or when assessing a juvenile's health concerns.

At this time Superior Court provides communication through Language Line but for the most part does not have resources available to assist personnel in communicating with LEP, deaf or hearing impaired individuals at our public counter areas. With the implementation of the Snohomish County LAP, Superior Court will use available resources to provide better communication. "I speak" cards provided by AOC are also available in each courtroom with basic questions translated into Spanish, Russian, Korean, Chinese and Vietnamese.

DISTRICT COURT:

Outside the court room District Court personnel come in contact with LEP, deaf or hearing-impaired individuals at our public counter areas both in the clerks'

offices and the probation offices and via the telephone at each of the four (4) divisions. Probation Officers frequently require the presence of an interpreter during probation appointments.

District Court utilizes “I Speak” cards and The Language Line to communicate with LEP individuals at our public counter areas and via the telephone.

MUNICIPAL COURT:

The Municipal Courts assist LEP, deaf or hearing-impaired individuals by using the list below of services and resources:

- Bilingual Spanish speaking employee
- Court personnel uses the phone, TTY / TDD
- Personal appearance of qualified language interpreters for probation
- Language Line via phone with qualified language interpreters

COUNTY CLERK:

The County Clerk’s Office acts as the “receptionist” for the Superior Court and as such is called upon to provide both general and specific procedural guidance on all court process on a daily basis. Contact points include in person, on the phone and by mail and cover criminal, civil, domestic, probate/guardianship, adoption/paternity, mental health, dependency/truancy and juvenile offender matters.

Clerk’s Office personnel who come in contact with LEP, deaf or hearing-impaired individuals at public counter areas will utilize the following resources to communicate with LEP individuals:

- The Language Line
- “I Speak” cards

The Clerk's Office also has to have a working knowledge of all courts other than Superior Court in order to provide usable and clear referrals to the other courts in the county.

C. Translated Forms & Documents

The Snohomish County Superior/District/Municipal Courts and the County Clerk's Office utilize numerous translated forms to assist LEP, deaf or hearing-impaired individuals and court staff communicates with each other. The Administrative Office of the Courts understands the importance of translating forms and documents so that LEP individuals have greater access to the courts' services. The Snohomish County Superior/District/Municipal Courts and the County Clerk's Office agree to have links on their websites to the AOC website as well as work towards having more forms on the local court websites.

The AOC Brochures/Forms (in Spanish, Russian, Korean, Chinese and Vietnamese include :

- Domestic Violence Protection Order Forms
- Vulnerable Adult Protection Order Forms
- Domestic Relations forms

Other AOC forms are:

- Guilty Plea forms (Spanish only)
- Juvenile, CHINS/ARY/Truancy Forms (Spanish only)
- Information About Sexual Assault Protection Order (Russian, Vietnamese and Tagalog only)

The Snohomish County Superior/District/Municipal Courts and the County Clerk's Office currently have the following forms translated into commonly used languages:

SUPERIOR/JUVENILE COURT:

Superior and Juvenile Court have the forms that are available through the AOC website for public use within the court. Forms in Spanish include:

- At Risk Youth/CHINS Petition Packet
- Gang Intervention Pamphlet

- Detainee Handbook for Detention
- VGAL Recruitment Pamphlet

DISTRICT COURT:

District Court has translated the following forms into Spanish, Russian, Vietnamese, Korean and Chinese:

- Procedures for the Payment of Court Fines
- Explanation of Rights and Court Procedure
- Small Claim Information sheet

MUNICIPAL COURT:

The Lynnwood and Edmonds Municipal Court websites contain links to AOC translated forms.

COUNTY CLERK:

The County Clerk's office has the following forms translated into Spanish, Russian and Vietnamese:

- Domestic Violence Protection Order Information
- Clerk's Office Citizen Guide
- Clerk's Facilitator

The County Clerk's Office also has the following forms translated into Spanish and Vietnamese:

- Clerk's Family Law Facilitator Program

OUTSIDE AGENCY

The following forms are available on the 1st floor of the Courthouse and are available in Spanish and Russian:

- Domestic Violence Services
- CLEAR
- VINE (Victim Info Notification Everyday)
- DRC (Dispute Resolution)
- Genetic Profiles

- Landlord-Tenant (DRC)

When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals, as well as for deaf or hearing-impaired individuals when necessary.

IV. TRAINING

Local courts are committed to providing training opportunities for all judicial and court staff members who come in contact with LEP, deaf or hearing-impaired individuals. Training opportunities specifically provided in the Snohomish County Superior/District/Municipal Courts and the County Clerk's office includes:

SUPERIOR/JUVENILE COURT AND DISTRICT COURTS

The Courts have sponsored interpreter training in conjunction with AOC and have also held community forums in the past to work through issues involving interpreter services within the Court. We have not engaged in skill building training for the interpreters and/or staff. County-wide staff training included the viewing of the DVD "Breaking Down the Language Barrier" produced by the DOJ. Superior/Juvenile Court and the District Courts have partnered to provide training on their scheduling software to the staffs of the Office of Assigned Counsel, Public Defender's Office, Prosecutor's Family Support and Victim Witness Offices and to the Snohomish County Clerk's Office Family Law Facilitator's Office.

MUNICIPAL COURT:

The Municipal Courts have copies of the DVD "Breaking Down the Language Barrier" from DOJ. All present and future staff will be required to view the DVD. In addition, the court will seek out LEP training opportunities for the entire staff.

COUNTY CLERK:

The County Clerk's office has sought out appropriate training and key personnel have viewed the DVD "Breaking Down the Language Barriers" provided by DOJ.

V. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN

A. LAP Plan Approval & Notification

Snohomish County Superior/District/Municipal courts and County Clerk's LAP Plan has been approved by the court administrators for Snohomish County Superior/Juvenile Court, Snohomish County District Court and Everett, Edmonds, Lynnwood and Marysville Municipal courts and the County Clerk's office and a copy has been forwarded to Washington State's Administrative Office of the Courts Interpreter Program Coordinator. Any revisions to the plan will be submitted to the respective Court Administrators and County Clerk for approval, and then forwarded to the Interpreter Program Coordinator. Copies of Snohomish County Superior/District/Municipal courts and County Clerk's LAP plan will be provided upon request. In addition, Snohomish County Superior/District/Municipal courts and the County Clerk will post this plan on its own and AOC's websites.

B. Regular Evaluation of the LAP Plan

The Snohomish County Superior/District/Municipal Courts and the County Clerk will conduct a regular needs assessment to determine whether changes to the LAP plan are needed. This assessment may be done by tracking the number of interpreters requested by language in the courts and the county clerk's office, or by other methods.

Any revisions made to the Plan will be communicated to all court and county clerk personnel, and an updated version of the plan will be posted on the court's and county clerk's web site. Additionally, it will be posted on the AOC's public website.

On a regular basis the AOC Court Interpreter Program Coordinator will coordinate with designated local court and county clerk staff a review of the effectiveness of the LAP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- Number of LEP, deaf or hearing impaired persons requesting court interpreters in Washington State trial courts;

- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and
- Gathering feedback from LEP, deaf and hearing-impaired communities around the state.

LAP Contact Person

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LAP submitted (Update with new date when
submitted)

The effective date of this LAP Plan is May, 2011